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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,996	11/26/2003	Ricky Ah-Man Woo	7768MD	9564

27752 7590 01/19/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

HARDEE, JOHN R

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,996

Applicant(s)

WOO ET AL.

Examiner

John R. Hardee

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-18 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 11, 15-18 and 30-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant is reminded that a species election is in effect, and that applicant designated claim 30 as the elected species. While this is unconventional, it is acceptable to the examiner. However, if claim 30 is rejected, no further search and examination is required. Applicant has amended claim 30 to recite additional ingredients. While this is technically non-responsive to the election requirement, the examiner has examined the claim as amended, because the cited prior art discloses the added limitations.
2. As a courtesy to applicant, those claims whose limitations can be met by the teachings of the previously cited prior art were examined as well. Remaining claims are held non-elected. Indication in the previous office action that the non-elected claims could be rejected over Trinh et al. is a typographical error, for which the examiner apologizes.
3. Claims 6-10 and 12-14 are withdrawn from consideration by the examiner as being drawn to species non-elected with traverse, the election requirement having been made final in the previous office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 3-5, 11, 15-18 and 30-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection. At p. 12, lines 15-16 of the specification, applicants state that only low levels of acidic materials may be present. Deleting this proviso broadens the claims beyond what is reasonably enabled. Regarding claims 8-10, it is still unclear what hydrophilic and hydrophobic monomers are reasonably enabled by the specification.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 3-5, 11, 15-18 and 30-33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al., US 5,714,137 for the reasons of record in the previous office action. Applicant recites that the compositions must contain an effective amount of an odor blocker and a class I or II aldehyde to provide a significant reduction in malodor. The entire thrust of the Trinh reference is that the disclosed compositions contain sufficient cyclodextrin to reduce malodor. Accordingly, one could reasonably say that a zero amount of odor blocker and aldehyde would be sufficient, as malodor is reduced by cyclodextrin. Regarding instructions, packaging of same with laundry

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compositions is conventional. The content of those instructions is not afforded patentable weight.

8. Claims 3-5, 11, 15-18 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al., US 5,714,137, in view of Behan et al., US 5,676,163 and Wilsch-Irrgang et al., US 5,861,371. See the 103 rejection in the previous office action. Note further that Perfume Composition C of Trinh, col. 25, contains anisaldehyde, and that Perfume composition D contains several terpenes. Behan et al. teaches at col. 2, line 51 that anisaldehyde is a class I aldehyde, and Wilsch-Irrgang et al. teaches at col. 3, lines 7+ that terpenes, including alpha-terpineol, are useful deodorizers in cleaning compositions. Note also the disclosure in applicant's specification at p. 16, lines 15+ that the odor blockers and class I and II aldehydes contemplated for use in these compositions are those disclosed in the cited secondary references.

Response to Arguments

9. Applicant's terminal disclaimer overcomes the double patenting rejection. The rejections of claims 8-10 and 12-14 are withdrawn because these claims were not examined with regard to the prior art, despite indication to the contrary.

10. Applicant's arguments filed December 22, 2004 have been fully considered but they are not persuasive. Regarding the 103 rejection, the Trinh reference exemplifies compositions comprising a class I aldehyde and odor blockers. The secondary references are cited merely to point out these attributes of the exemplified compounds.

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11. In view of the possible confusion caused by the election requirement, this action is not final.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose telephone number is (571) 272-1318. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Dr. Yogendra Gupta, may be reached at (571) 272-1316.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Hardee', with a stylized, cursive script.

John R. Hardee
Primary Examiner
January 13, 2005